

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Index No.: 23156/06

**SUPPLEMENTAL VERIFIED
BILL OF PARTICULARS**

Plaintiffs,
-against-

LECOURIUX G. YANNICK,

Defendant.

-----X
ATTORNEYS:

PLEASE TAKE NOTICE that the plaintiffs, by their attorneys, SACKS AND SACKS, LLP, hereby supplements our Verified Bill of Particulars, based upon information and belief as follows:

3. Plaintiff, RASHAD ALI sustained the following injuries, all of which are permanent in nature and kind:

BACK:

- Herniated disc at L5-S1;
- Bulging disc at L4-L5;
- L5-S1 radiculopathy;

NECK:

- Cervical radiculopathy at C7-C8;
- Sensory CTS-bilaterally;
- Bulging disc at C3-C4;
- Central spur at C7-T1;

HEAD:

- Closed head trauma;
- Possible concussion;
- Possible post-concussion syndrome;

- Post-traumatic headaches;
- Jaw pain;
- TMJ dysfunction;
- Hypomobility of Temporoamandibular chondyle;

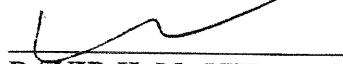
All of plaintiff's injuries have already required extensive orthopedic care, neurological care, physical therapy and will in the future, require further medical care and treatment including physical therapy, orthopedic care and the need for future surgical intervention.

All of the above injuries were attendant with extreme pain and suffering and have affected plaintiff's bodily systems and the skin, nerves, bones, tissues, tendons, muscles, blood vessels and other tissues. All of the above injuries and ill effects there from are permanent in nature except those of a superficial nature. Plaintiff reserves the right to supplement his bill of particulars at a later date when more medical information on plaintiff becomes available.

5. At the time of the accident, plaintiff was employed as Journeyman Union Doorman by Hudson View Realty and was earning \$583.00 per week in gross pay. This number does not include plaintiff's union benefits package. Plaintiffs Rashad Ali and Minerva Ali was confined to bed and home except for necessary visits to healthcare providers for approximately two weeks as a result of the injuries sustained in the accident.

Dated: New York, New York
April 10, 2007

Yours, etc.,
SACKS AND SACKS, LLP


DAVID H. MAYER, ESQ.
Attorneys for Plaintiffs
150 Broadway - 4th Floor
New York, N.Y. 10038
(212) 964-5570

TO:

SOL Z. SOKEL, ESQ.
KELLY, RODE & KELLY, LLP
Attorneys for Defendant
300 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400

ATTORNEY'S VERIFICATION

I, DAVID H. MAYER, am an attorney duly admitted to practice in the courts of New York State, and say that: I am the attorney of record, or of counsel with the attorney(s) of record, for the plaintiff(s), I have read the annexed **SUPPLEMENTAL VERIFIED BILL OF PARTICULARS** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: facts, investigations and pertinent data contained in deponent's file.

The reason I make this affirmation instead of plaintiff is because plaintiff(s) reside in a County other than where deponent maintains his office.

Dated: NEW YORK, NEW YORK
April 10, 2007



DAVID H. MAYER, ESQ.

GUARDIAN over DANYAH ALI, infant, and
MINERVA ALI, as Guardian over TANYAH ALI,
infant,

Plaintiffs,

-against-

LECOURIUX G. YANNICK,

Defendant.

-----X

**SUPPLEMENTAL VERIFIED
BILL OF PARTICULARS**

Sacks and Sacks LLP

150 BROADWAY
NEW YORK, NEW YORK 10038
(212) 964-5570

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Index No.: 23156/06

SECOND SUPPLEMENTAL
VERIFIED BILL OF
PARTICULARS

Plaintiffs,
-against-

LECOURIUX G. YANNICK,

Defendant.

ATTORNEYS:

PLEASE TAKE NOTICE that the plaintiffs, by their attorneys, SACKS AND SACKS, LLP, hereby supplements our Verified Bill of Particulars, based upon information and belief as follows:

3. Plaintiff, MINERVA ALI sustained the following injuries, in addition to the aforementioned injuries previously plead:

NECK:

- Straightening of the normal curvature of the cervical spine;
- Cervicoventral disc bulging at C5-C6;
- Right cervical radiculopathy at root level with resulting numbness in the upper extremities;
- Paraspinal muscle spasms in cervical and lumbar spine;

BACK:

- Positive spurling signs;
- Bulging disc at L4-L5;

Plaintiff is currently awaiting approval for injections to the cervical and lumbar spine.

*Possible surgical intervention may be required in the future.

Plaintiff's Danyal Ali, Danyah Ali and Tanyah Ali withdraw all claims for bodily

injuries in this action.

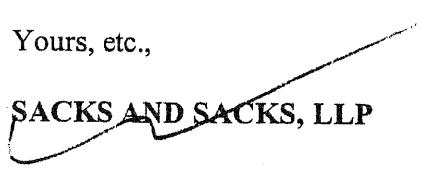
All of plaintiff's injuries have already required extensive orthopedic care, neurological care, physical therapy and will in the future, require further medical care and treatment including physical therapy, orthopedic care and the need for future surgical intervention.

All of the above injuries were attendant with extreme pain and suffering and have affected plaintiff's bodily systems and the skin, nerves, bones, tissues, tendons, muscles, blood vessels and other tissues. All of the above injuries and ill effects there from are permanent in nature except those of a superficial nature. Plaintiff reserves the right to supplement his bill of particulars at a later date when more medical information on plaintiff becomes available.

5. At the time of the accident, plaintiff Rashad Ali was employed as Journeyman Union Doorman by Hudson View Realty and was earning \$583.00 per week in gross pay. This number does not include plaintiff's union benefits package. Plaintiffs Rashad Ali and Minerva Ali was confined to bed and home for approximately two weeks, at intermittent dates, since the date of the accident, as a result of the injuries sustained in the accident. Plaintiff is not complaining that Danyal Ali, Danyah Ali and Tanyah Ali was forced to have any confinement to bed and home as a result of any injuries sustained in the accident.

Dated: New York, New York
June 4, 2007

Yours, etc.,


SACKS AND SACKS, LLP

DAVID H. MAYER, ESQ.
Attorneys for Plaintiffs
150 Broadway – 4th Floor
New York, N.Y. 10038
(212) 964-5570

TO:

SOL Z. SOKEL, ESQ.
KELLY, RODE & KELLY, LLP
Attorneys for Defendant
300 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400

ATTORNEY'S VERIFICATION

I, DAVID H. MAYER, am an attorney duly admitted to practice in the courts of New York State, and say that: I am the attorney of record, or of counsel with the attorney(s) of record, for the plaintiff(s), I have read the annexed **SECOND SUPPLEMENTAL VERIFIED BILL OF PARTICULARS** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: facts, investigations and pertinent data contained in deponent's file.

The reason I make this affirmation instead of plaintiff is because plaintiff(s) reside in a County other than where deponent maintains his office.

Dated: NEW YORK, NEW YORK
June 4, 2007



DAVID H. MAYER, ESQ.

GUARDIAN over DANYAH ALI, infant, and
MINERVA ALI, as Guardian over TANYAH ALI,
infant,

Plaintiffs,

-against-

LECOURIUX G. YANNICK,

Defendant.

-----X-----

SECOND SUPPLEMENTAL VERIFIED
BILL OF PARTICULARS

Sacks and Sacks LLP

150 BROADWAY

NEW YORK, NEW YORK 10038

(212) 964-5570

SCANNED

6/12/07 (MK)

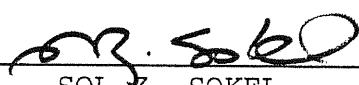
STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

SOL Z. SOKEL, being duly sworn deposes and says;

I am a duly admitted and practicing Attorney-at-Law; that I am one of the attorneys for the defendant, LECOURIUX G. YANNICK, herein and that I have read the foregoing ANSWER and know the contents thereof and that the same is true to my own knowledge, except as to those statements therein alleged to be upon information and belief and as to those statements, I believe it to be true.

The source of my knowledge is the contents of a file maintained in my office, which contains various reports of investigations, statements, interviews, copies of official documents, etc.

The reason this verification is not made by the defendant, LECOURIUX G. YANNICK, is due to the fact that said defendant does not reside in the same county wherein I maintain my professional office; to wit: County of NASSAU.



SOL Z. SOKEL

Sworn to before me this
16th day of FEBRUARY, 2007



NOTARY PUBLIC

BARBARA NADEL
Notary Public, State of New York
No.01NA6106726
Qualified in Nassau County
Commission Expires March 15, 2008

AFFIDAVIT OF SERVICE BY MAIL

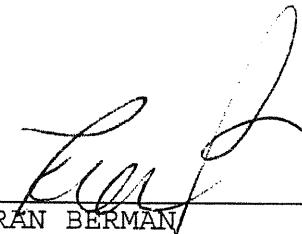
STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

FRAN BERMAN, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in Plainview, New York.

On the 16th day of FEBRUARY, 2007, I served the within ANSWER AND DEMAND FOR BILL OF PARTICULARS by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed each of the following persons at the last known addresses set forth each name:

TO: SACKS AND SACKS, LLP
Attorneys for Plaintiffs
Office & P.O. Address
150 Broadway - 4th Floor
New York, New York 10038


FRAN BERMAN

Sworn to before me on this
16th day of FEBRUARY, 2007



Notary Public

FRAN BERMAN
NOTARY PUBLIC, State of New York
No. 30-460,260
Qualified in Nassau County
Commission Expires (73/4)

Index No.

23156

Year 20

06

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Plaintiff,

-against-

LECOURIUX G. YANNICK,

Defendants.

ANSWER AND DEMAND FOR BILL OF PARTICULARS

Attorneys for

330 OLD COUNTRY ROAD
SUITE 305
Defendant, NEW YORK 11501
TELEPHONE NO. (516) 739-0400
FACSIMILE NO. (516) 739-0434

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

.....
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. one of the judges of the within named Court,
at

on 20 , at

M.

Dated:

KELLY, RODE & KELLY, LLP

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Index No.: 23156/06

NOTICE TO ADMIT

Plaintiffs,
-against-

LECOURIUX G. YANNICK,

Defendant.

ATTORNEYS:

PLEASE TAKE NOTICE, that you are hereby requested, pursuant to CPLR 3123, to give the undersigned, within twenty (20) days after the service thereof, a written admission of the following:

1. That at all times herein mentioned, on October 28, 2006 defendant, **LECOURIUX G. YANNICK** was the owner of a motor vehicle with New Jersey License Plate Number NSD41H.
2. That at all times herein mentioned, on October 28, 2006 defendant, **LECOURIUX G. YANNICK** was the lessee of a vehicle bearing License Plate Number NSD41H of New York State.
3. That at all times herein mentioned, defendant, **LECOURIUX G. YANNICK** operated a 1997 Jeep vehicle on 132nd Street and Harlem River Drive on October 28, 2006 at or about 1:45 p.m.
4. That on October 28, 2006 at the aforementioned location, the motor vehicle operated by at all times herein mentioned, defendant, **LECOURIUX G. YANNICK** came into contact when the motor vehicle operated by RASHAD ALI.

Dated: New York, New York
March 21, 2007

Yours, etc.,

SACKS AND SACKS, LLP

DAVID H. MAYER, ESQ.
Attorneys for Plaintiff
150 Broadway – 4th Floor
New York, N.Y. 10038
(212) 964-5570

TO:

SOL Z. SOKEL, ESQ.
KELLY, RODE & KELLY, LLP
Attorneys for Defendant
300 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF NEW YORK)ss.:)

SYREETA BENITEZ, being duly sworn, deposes and says that she is not a party to this action, is over the age of 18 years, and resides in KINGS, NEW YORK, and that on March 21, 2007 she served the within NOTICE TO ADMIT by depositing same in a properly addressed wrapper into the custody of the United State Postal Service, within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

TO:

SOL Z. SOKEL, ESQ.
KELLY, RODE & KELLY, LLP
Attorneys for Defendant
300 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400


Syreeta Benitez

Sworn to before me this
21st day of March, 2007

Notary Public

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----x
RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant, and MINERVA
ALI, as Guardian over TANYAH ALI, infant,

Index #23156/06

Plaintiffs,

RESPONSE TO
NOTICE TO
ADMIT

-against-

LECOURIUX G. YANNICK,

Defendant.

-----x

S I R S :

PLEASE TAKE NOTICE, the defendant(s), LECOURIUX G. YANNICK, by his attorneys, KELLY, RODE & KELLY, LLP, herein set(s) forth, as and for his Response to Notice to Admit the following, upon information and belief:

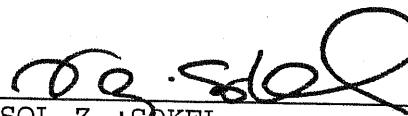
1. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations.
2. Denies, upon information and belief.
3. Admit
4. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations.

PLEASE TAKE FURTHER NOTICE, that the defendant(s) LECOURIUX G. YANNICK, by his attorneys, KELLY, RODE & KELLY, LLP, reserves his right to amend and/or supplement this Response at any time up to and including the time of the trial of the action,

should any additional or different information become available.

Dated: Mineola, New York
April 5, 2007

KELLY, RODE & KELLY, LLP

BY: 

SOL Z. SOKEL
Attorneys for Defendant
Office & P.O. Address
330 Old Country Road
Suite 305
Mineola, New York 11501
(516) 739-0400
Our File No.: SZS 56050-301

TO: SACKS AND SACKS, LLP
Attorneys for Plaintiffs
Office & P.O. Address
150 Broadway - 4th Floor
New York, New York 10038
(212) 964-5570

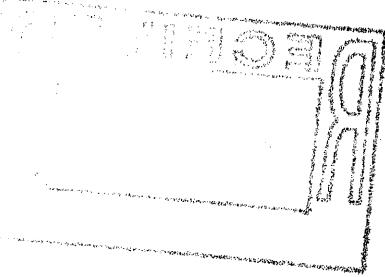


EXHIBIT #2

JUDGE DANIELS
JS 44C/SDNY
REV. 12/2005

07 07 6010
CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
RASHAD ALI, MINERVA ALI, MINERVA ALI, as
Guardian over DANYAL ALI, MINERVA ALI, as
Guardian over DANYAH ALI, infant and MINERVA
ALI, as Guardian over TANYAH ALI, infant

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
SACKS & SACKS, LLP
150 Broadway, 4th Floor
New York, New York 10038
(212) 964-5570

DEFENDANTS
LECOURIUX G. YANNICK

ATTORNEYS (IF KNOWN)
KELLY, RODE & KELLY, LLP
330 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. §1391(a)

NEW YORK RESIDENT BRINGS ACTION FOR SERIOUS INJURIES AGAINST NEW JERSEY RESIDENT.

Has this or a similar case been previously filed in SDNY at any time? No Yes? Judge Previously Assigned _____

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

10 2003

ACTIONS UNDER STATUTES **U.S.D.C. S.D. N.Y.**
CASHIERS **BANKRUPTCY** **OTHER STATUTES**

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

1 original Proceeding 2a. Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judge Judgment

2b. Removed from State Court
AND at least one party is a pro se litigant

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY (U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

1255 Ward Avenue
Bronx, New York 10472

County of Bronx

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

60 Glen Boulevard
Glenrock, New Jersey 07452

County of Bergen

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE 6/15/07 SIGNATURE OF ATTORNEY OF RECORD
RECEIPT # 

ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
 YES (DATE ADMITTED Mo. 5 Yr. '00)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

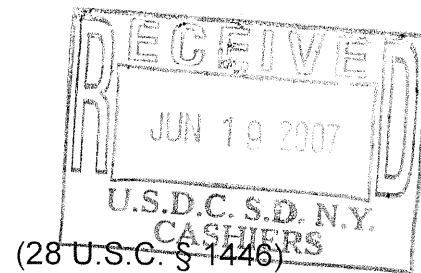
KELLY, RODE & KELLY
 Sol Z. Sokel, Esq.
 330 Old Country Road, Suite 305
 Mineola, New York 11501
 (516) 739-0400
 Attorneys for Defendant Lecouriux G. Yannick

07 CV 6010

RASHAD ALI, MINERVA ALI, MINERVA ALI, as)
 Guardian over DANYAL ALI, MINERVA ALI, as)
 Guardian over DANYAH ALI, infant, and MINERVA)
 ALI, as Guardian over TANYAH ALI, infant,)
)
 Plaintiffs,)
)
 vs.)
)
 LECOURIUX G. YANNICK,)
)
 Defendant.)

JURON DANIELS
 Civil Action No.:

NOTICE OF REMOVAL



TO THE: UNITED STATES DISTRICT COURT FOR THE
 SOUTHERN DISTRICT OF NEW YORK

1. LECOURIUX G. YANNICK, is a defendant in the civil action brought on November 13, 2006 in the Supreme Court of the State of New York, County of Bronx. Pursuant to provision of Section 1391(a), 1441 and 1446 of Title 28 of the United States Code, Lecouriux G. Yannick removes this action to the United States District Court for the Southern District of New York, which is the judicial district in which the action is pending.

2. The grounds for removal of this action are diversity of citizenship. The plaintiff resides in Bronx County, New York. The defendant resides in Bergen County, New Jersey. Therefore, removal of this action is proper under Section 1391(a), 1441 and 1446 of Title 28 of the United States Code because this is a Civil Action in State

Court over which the Federal District courts would have had original jurisdiction had the action been commenced in Federal Court.

3. This Notice of Removal is timely under Section 1446(b) of Title 28 of the United States Code because Plaintiff's Response to Defendant's Demand Pursuant to CPLR §3017 were served on or about June 8, 2007. This Notice of Removal is filed within 30 days of receipt of said response, which is attached hereto, and is, therefore, timely under 28 U.S.C. § 1446(b).

4. All state-court papers served on the defendant at the time of removal, consistent of the summons and complaint are attached.

Dated this 15th day of June, 2007.

Yours, etc.,

KELLY, RODE & KELLY, LLP

By:



SOL Z. SOKEL (6794)

Attorneys for Lecouroux G. Yannick
330 Old Country Road, Suite 305
Mineola, New York 11501
(516) 739-0400